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EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 44] NEW DELHI, MONDAY, AUGUST 31, 1959/BHADRA 9, 1881 (Saka)

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 31st August, 1959:—

I

BILL No. XVI of 1959

A Bill to provide for the extension of certain personal laws to parts of India in which they are not now in force.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Miscellaneous Personal Laws (Extension) Act, 1959. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, "appointed day" means the date on which this Act comes into force. Definition.

3. On and from the appointed day, the Acts specified in Schedule I shall stand amended in the manner specified therein. Extension and amendment of certain Acts.

4. (1) On and from the appointed day, the enactments specified in Schedule II and other enactments corresponding to the Acts specified in Schedule I shall stand repealed in the territories to which they respectively extended immediately before that day. Repeals and savings.

(2) Nothing in sub-section (1) shall affect—

(a) the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided that anything done or any action taken under any such enactment shall be deemed to have been done or taken under the corresponding provision of the Act now extended to the territory concerned and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Act.

SCHEDULE I

(See section 3)

The Converts' Marriage Dissolution Act, 1866

(21 of 1866)

Section 35.—For “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir and the Union territory of Manipur”.

The Anand Marriage Act, 1909

(7 of 1909)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

The Hindu Disposition of Property Act, 1916

(15 of 1916)

Section 1.—For sub-section (2), substitute—

“(2) It extends to the whole of India except the State of Jammu and Kashmir.”.

The Hindu Inheritance (Removal of Disabilities) Act, 1928

(12 of 1928)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

Section 2.—Omit “from inheritance or”.

The Hindu Gains of Learning Act, 1930

(30 of 1930)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

The Muslim Personal Law (Shariat) Application Act, 1937

(26 of 1937)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

The Dissolution of Muslim Marriages Act, 1939

(8 of 1939)

Section 1.—In sub-section (2), for “except the territories which, immediately before the 1st November, 1956, were comprised in Part B States”, substitute “except the State of Jammu and Kashmir”.

SCHEDULE II

[See section 4(1)]

The Hindu Transfers and Bequests (City of Madras) Act, 1921 (8 of 1921).

The Hyderabad Hindu Gains of Learning Act, 1344-F (Hyderabad Act 5 of 1344-F).

The Hyderabad (Application of Central Acts) Act, 1952 (Hyderabad Act 48 of 1952), in so far as it relates to any of the Acts specified in Schedule I.

The Andhra Pradesh (Extension of Laws) Act, 1958 (Andhra Pradesh Act 23 of 1958), in so far as it relates to the Hindu Gains of Learning Act, 1930.

The State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948 (Saurashtra Ordinance 25 of 1948), in so far

as it relates to (a) the Hindu Inheritance (Removal of Disabilities) Act, 1928, and (b) the Hindu Gains of Learning Act, 1930.

The Saurashtra Dissolution of Muslim Marriages Act, 1952 (Saurashtra Act 26 of 1952).

The Travancore Muslim Succession Act, 1108 (11 of 1108).

The Cochin Muslim Succession Act, 1108 (15 of 1108).

The Travancore Hindu Inheritance (Removal of Disabilities) Act, 1114 (18 of 1114).

The Travancore Hindu Gains of Learning Act, 1117 (3 of 1117).

The Cochin Muslim Marriages Dissolution Act, 1120 (22 of 1120).

The Madhya Bharat (Adoption of Laws) Act, Samvat 2009 (Act 1 of 1953), in so far as it relates to—

(a) the Anand Marriage Act, 1909 (7 of 1909);

(b) the Hindu Disposition of Property Act, 1916 (15 of 1916);

(c) the Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928);

(d) the Hindu Gains of Learning Act, 1930 (30 of 1930);
and

(e) the Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937).

The Madhya Bharat Dissolution of Muslim Marriages Act, 1956 (14 of 1956).

The Madras Hindu Transfers and Bequests Act, 1914 (Madras Act 1 of 1914).

The Mysore Converts' Marriage Dissolution Act, 1866 (Mysore Act 21 of 1866), as extended to Mysore.

Section 6 of the Mysore Hindu Law (Women's Rights) Act, 1933 (Mysore Act 10 of 1933).

The Mysore Hindu Inheritance (Removal of Disabilities) Act, 1938 (Mysore Act 5 of 1938).

The Mysore Dissolution of Muslim Marriages Act, 1943 (Mysore Act 43 of 1943).

The United State of Rajasthan Muslim Personal Law (Shariat) Application Ordinance, 1949 (14 of 1949).

The Rajasthan (Adaptation of Central Laws) Ordinance, 1950 (4 of 1950), in so far as it relates to—

- (a) the Anand Marriage Act, 1909 (7 of 1909);
 - (b) the Hindu Disposition of Property Act, 1916 (15 of 1916);
 - (c) the Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928);
 - (d) the Hindu Gains of Learning Act, 1930 (30 of 1930); and
 - (e) the Dissolution of Muslim Marriages Act, 1939 (8 of 1939).
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STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to extend the personal laws of certain communities to the territories comprised within the former Part B States and thereby make those laws generally applicable to the whole of India except the State of Jammu and Kashmir. Schedule I to the Bill contains a list of the enactments which it is proposed to extend and Schedule II seeks to repeal the existing State laws consequent on such extension.

NEW DELHI;
The 20th August, 1959.

A. K. SEN.

II

BILL No. XVII OF 1959

A Bill further to amend the Criminal Law Amendment Ordinance, 1944.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Criminal Law (Amendment) Act, 1959. Short title and commencement.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

38 of 1944. 2. For sub-section (2) of section 2 of the Criminal Law Amendment Ordinance, 1944, the following sub-section shall be substituted, namely:— Amendment of section 2

“(2) For the purposes of this Ordinance, the date of the termination of criminal proceedings shall be deemed to be—

(a) where such proceedings are taken to the Supreme Court in appeal, whether on the certificate of a High Court or otherwise, the date on which the Supreme Court passes its final orders in such appeal; or

(b) where such proceedings are taken to the High Court and orders are passed thereon and—

(i) no application for a certificate for leave to appeal to the Supreme Court is made to the High Court, the day immediately following the expiry of ninety days from the date on which the High Court Passes its final orders;

(ii) an application for a certificate for leave to appeal to the Supreme Court has been refused by the High Court, the day immediately following the expiry of sixty days from the date of the refusal of the certificate;

(iii) a certificate for leave to appeal to the Supreme Court has been granted by the High Court, but no appeal is lodged in the Supreme Court, the day immediately following the expiry of thirty days from the date of the order granting the certificate; or

(c) where such proceedings are not taken to the High Court, the day immediately following the expiry of sixty days from the date of the last judgment or order of a criminal court in the proceedings."

STATEMENT OF OBJECTS AND REASONS

Certain criminal cases arising out of the claims made by some contractors against the Government of Burma when it was functioning in Simla during the period of the second world war are being inquired into by a special tribunal known as the East Punjab Special Tribunal. The main accused in these cases was convicted by that tribunal but was acquitted by the High Court on appeal on the ground of misjoinder of charges. The State of Punjab has now obtained leave to appeal to the Supreme Court.

2. Certain properties of the accused are under attachment by virtue of the provisions of the Criminal Law Amendment Ordinance, 1944, which continues in force by virtue of the provisions contained in the India and Burma (Emergency Provisions) Act, 1940, passed by the Parliament of the United Kingdom. Under section 2 of this Ordinance the expression "termination of criminal proceedings" is so defined that any attachment under the Ordinance of the property of the accused, pending decision, may have to be withdrawn as soon as the High Court passes its final order in cases where the proceedings are taken to the High Court. The main object of the Ordinance being to prevent the disposal of the attached property pending final disposal of the criminal proceedings, it is desirable to amend this definition so as to continue any attachment of property pending the decision of the Supreme Court in cases where proceedings may be taken to that Court. Hence the present Bill.

A. K. SEN.

NEW DELHI,
The 20th August, 1959.

S. N. MUKERJEE,
Secretary.

